

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUN 27 2002

Claudette

OFFICE OF  
MANAGING DIRECTOR

Robert Goldstein  
General Counsel  
GreenTV Corporation  
2539 North Highway 67  
Post Office Box 348  
Sedalia, Colorado 80135

Re: Bill Number 2001-9-5007  
FY- 98 & 99 Regulatory Fees  
Fee Control No. 0000RROG-02-005

Dear Mr. Goldstein:

This is in response to your letter dated December 3, 2001, in which you request that the Commission reconsider the FY 1998 and 1999 regulatory fees assessed against GreenTV Corporation, former licensee of Station KSBS-TV, Steamboat Springs, Colorado. In the alternative, you request that the Commission extend the date of payment of these regulatory fees until May 1, 2002.

You state that in a prior ruling the Commission had granted the request of a cable company to modify the television market of KSBS-TV, so as to exclude, for purposes of must-carry obligations, the communities served by that cable company located in and around Denver, Colorado. *TCI Cablevision of Colorado, Inc.*, 11 FCC Rcd 6109 (CSB 1996). You also state that the Commission's letter dated March 13, 2001 which denied your earlier request for reduction of the FY 98 & 99 regulatory fees, indicated that GreenTV had represented in the *TCI Cablevision* proceeding that KSBS-TV provided a signal to the Denver Front Range through a translator station at Woodbine Park, Colorado. You assert that it is against the public interest, as well as simply unfair and inappropriate, to assess regulatory fees against KSBS-TV as a major market station, when the *TCI Cablevision* ruling declined to afford it access to a significant portion of the television households in the market area. If reconsideration is not granted, you ask for an extension of the due date for the payment, because KSBS-TV was sold in April 2000 and, thus, no longer generates revenues for GreenTV, and because a significant sum of money for that sale, which GreenTV wishes to use to make payment, was placed in escrow until April 19, 2002.

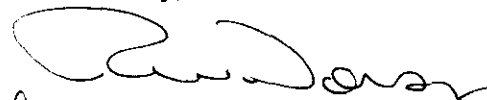
Your letter dated December 3, 2001, although in response to a Bill for Collection dated November 7, 2001, in effect seeks reconsideration of the March 13, 2001 denial of relief concerning the FY 98 & 99 regulatory fees. In this respect Section 405 of the Communications Act, 47 U.S.C. § 405, requires that a petition for reconsideration be filed within 30 days from the date upon which public notice of the action complained of is given. Thus, your December 3, 2001 request is untimely and it could be dismissed without further consideration.

Insofar as you contend that the instant regulatory fee ruling is inconsistent with *TCI Cablevision*, a careful reading of the latter ruling reveals that no determination was made as to whether KSBS-TV was delivering a sufficient signal to the Denver front range via a translator station to constitute the provision of a Grade B signal for a substantial portion of Denver's metropolitan areas, contrary to the requirement to be treated as a remaining market station as set forth in the *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12763 (1995). Rather, *TCI Cablevision* merely held, inter alia, that available audience viewing data showed no viewing of KSBS-TV in any of the communities served by the cable company, that KSBS-TV provided no programming specifically for the Denver area communities, and that other stations provide relevant service to the cable communities at issue. Under these circumstances, the representation of KSBS-TV in *TCI Cablevision* that a signal was being provided to the Denver Front Range through a translator station was, in absence of more specific information, properly viewed as precluding KSBS-TV's requested fee reduction.

Finally, your alternative assertions provide no basis for further deferment of the due date for payment of these regulatory fees. Accordingly, your request is denied in all respects. Payment in the amount of \$25,312.50 for regulatory fees for FY 98 and 99, and associated penalties, is now due and must be submitted together with a Form 159 (copy enclosed) within 30 days from the date of this letter. You are cautioned that failure to submit payment may result in further sanctions, including but not limited to, the initiating of proceedings to revoke any and all licenses and to recover the unpaid amount, late charge penalties, and interest pursuant to the provisions of the Debt Collection Improvement Act of 1996.

If you have any questions concerning this letter, please call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



for Mark A. Reger  
Chief Financial Officer

Enclosure

00000RR06-92-005

**GREENTV CORPORATION  
2539 NORTH HIGHWAY 67  
P.O. BOX 348  
SEDALIA, CO 80135**

**(303) 688-5162**

**FILE  
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FCC MAIL ROOM

Robert Goldstein  
Robert.Goldstein@contact-meo.com

December 3, 2001

Susan Donahue, Chief  
Revenue & Receivables Operations Group  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 1A802  
Washington, DC 20554

RE: Bill Number 2001-9-5007

Dear Ms. Donahue:

GreenTV Corp. ("GreenTV") recently received the attached letter and bill for unpaid regulatory fees and penalties relating to KSBS-TV (Channel 24, Steamboat Springs, Colorado) ("KSBS"). GreenTV sold KSBS to Council Tree Communications V, LLC (Council Tree) in April, 2000 and the station now has the call letters KMAS. The assignment of the license was granted by the Federal Communications Commission on March 14, 2000. GreenTV respectfully requests that the Federal Communications Commission reconsider the assessed regulatory fees. In the alternative, GreenTV requests that the Commission extend the date of payment to May 1, 2002, without further imposition of penalties.

The Commission is requested to partially waive the past regulatory fees for KSBS due to the compelling nature of this case. In a letter dated March 13, 2001, Chief Financial Officer Mark A Reger rejected a request for waiver and reduction of previous regulatory fees (the "Letter"). As part of the decision to reject GreenTV's request, the Letter stated that evidence was not provided that KSBS should be treated as a remaining market station. The Letter outlined that, to be treated as a remaining market station for regulatory fee purposes, "a station may not be an affiliate of a major network, must be located outside the metropolitan area of the principal city in the assigned DMA, and may not provide a Grade B signal to a substantial portion of the assigned market's metropolitan areas." The Letter indicated that KSBS represented in *TCI Cablevision of Colorado*, 11 FCC Rcd 6109 (1996) that it provided its signal to the Denver Front Range through a translator station at Woodbind Park, Colorado.

In the 1996 FCC proceeding involving TCI Cablevision of Colorado, Inc. ("TCI") and KSBS referenced in the Letter, the Commission granted TCI's petition requesting that the television market of KSBS be modified to exclude the communities served by TCI's cable systems located

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in and around Denver, Colorado, for purposes of determining the must-carry obligations of those systems. *TCI Cablevision*, 11 FCC Rcd 6109. In that Memorandum Opinion and Order the Commission specifically indicated that (1) KSBS was licensed to Steamboat Springs, Colorado (which is some 150 miles from Denver, the principal city in the assigned DMA); and (2) KSBS' predicted Grade B signal fell well short of the Denver area. *TCI Cablevision*, 11 FCC Rcd at 6114 and 6115. At the time, KSBS was airing Spanish language programming and was not affiliated with any major network. Thus, in its own Memorandum Opinion and Order, the Commission essentially established that KSBS qualified as a remaining market station for regulatory fee purposes.

In refusing to allow KSBS to assert must-carry rights on Denver area communities served by TCI, the Commission refused to give credence to the fact that KSBS was delivering its signal to the Denver Front Range via a translator station, yet the Commission cited the use of the translator as a reason for imposing regulatory fees appropriate to a station in the Denver DMA. KSBS submits that it was against the public interest, as well as simply unfair and inappropriate for the Commission to charge it as a major market station yet not ensure access to a significant portion of the television households in the market area. As such, GreenTV respectfully requests that the regulatory fees previously assessed against KSBS be reduced to be in line with the fees appropriate for remaining market stations, rather than the Denver DMA.

If the Commission will not reconsider the full assessment of the regulatory fees, GreenTV requests that the due date for payment of the outstanding fees and penalties be extended to May 1, 2002, without further imposition of penalties. As indicated above, KSBS was sold to Council Tree in April, 2000 and, thus, no longer generates revenues for GreenTV. As part of the sale, a significant sum of money was placed in escrow under an Indemnification Escrow Agreement. The amount remaining in the escrow account will be released to GreenTV on April 19, 2002. GreenTV wishes to use this money to pay outstanding regulatory fees and penalties if the regulatory fees are not reduced as requested.

If you have any questions or concerns, please feel free to contact me at any time.

Very Truly Yours,



Robert Goldstein  
General Counsel

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

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OFFICE OF  
MANAGING DIRECTOR

Green TV Corp.  
C/O Borsari & Paxson  
Attn: Anne Thomas Paxson, ESQ  
2021 I Street NW Suite 402  
Washington, DC 20036

Re: 2001-9-5007

Dear Applicant:

This letter is a final demand for payment in reference to a bill for fees due from the Federal Communications Commission that remains unpaid. The bill was issued (see - enclosed copy) as a result of an unpaid regulatory fee or subsequent penalty for late payment of a regulatory fee. Notice(s) have been sent with no response, and the bill remains unpaid. Your account is seriously past due and requires immediate attention.

You are cautioned that failure to respond and/or pay this debt will subject you to sanctions as defined by 47 CFR Section 1.1116 and 1.1164 of our Rules. The Debt Collection Improvement Act of 1996 as amended gave Federal Government agencies the authority to report and refer delinquent debts to the U.S. Treasury Department for further collection action. If payment is not received within 30 days from the date of this letter, your account will be assessed further penalties, which can be as high as 25 percent, and referred to the U.S. Treasury for collection. Please mail your payment along with a copy of the enclosed bill to the following address: Federal Communications Commission P O Box 358835, Pittsburgh, PA 15251-5835.

If you have any documentation that will establish that the debt was paid, such as a canceled check, or any other supporting information, please submit this information along with a copy of this letter. You may provide any documentation that will support a claim of financial hardship. Such information as profit and loss statements can be used in these instances. Your documentation and/or remittance must be mailed to the Federal Communications, along with a copy of the enclosed bill to the following address: Federal Communications Commission, Attn: Revenue and Receivables Operations Group, 445 12<sup>th</sup> Street, SW, Room 1A820, Washington, DC 20554.

If you have any questions, please contact Claudette Pride at (202) 418-1996.

Sincerely,



Susan Donahue, Chief  
Revenue & Receivables Operations Group

Enclosure

**Federal Communications Commission**  
**BILL FOR COLLECTION**

FOR INQUIRIES CALL  
 1-202-418-1995  
 (Credit and Debt Management Group)

<b>Bill Number</b> 2001-9-5007	<b>Current Bill Date</b> 11/07/01	Please write your bill number on your remittance
<b>GREEN TY CORP</b> <b>C/O BORSAPI &amp; PAXSON</b> <b>ATTN: ANNE THOMAS PAXSON, ESC</b> <b>2021 L STREET NW STE 402</b> <b>WASHINGTON, D.C. 20038</b>		<b>Payable to:</b> <b>Federal Communications Commission</b> <b>Send a copy of this bill to:</b> <b>Federal Communications Commission</b> <b>REVENUE &amp; RECEIVABLE OPER</b> <b>P.O. BOX 358835</b> <b>PITTSBURGH, PA 15251-5835</b>
<b>Total Amount Due</b> \$25,312.50	<b>Total Amount Due Must Be Received By</b>	<b>Due Date</b> 12/07/01
PD \$1175.00 LEAVING BAL. OF \$10600.00 + 25% PENALTY OF \$2,650.00. KSBS DID NOT PAY FY1998, \$9,650.00 PLUS 25% PENALTY CHARGE OF \$2,412.50. TOTAL AMOUNT DUE \$25,312.50		
Please attach a copy of this bill to your payment to ensure proper credit.		
<b>Payment Type Code</b>		<b>Quantity</b>
M	C	U
9	1	
		<b>Fee Due</b>
		\$20,250.00
F	I	N
E	1	
		\$5,062.50
<b>Total Due</b>		<b>\$25,312.50</b>
<b>Payment Method:</b> Check <input type="checkbox"/> (Attach) Credit card <input type="checkbox"/> (Complete Below)		
<input type="checkbox"/> MasterCard <input type="checkbox"/> VISA		
<b>Account No.:</b> <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>		
<b>Expiration:</b> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;"> <div style="width: 15px; height: 15px; border: 1px solid black;"></div> <div style="width: 15px; height: 15px; border: 1px solid black;"></div> </div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;"> <div style="width: 15px; height: 15px; border: 1px solid black;"></div> <div style="width: 15px; height: 15px; border: 1px solid black;"></div> </div> </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span>Month</span> <span>Year</span> </div>		
I hereby authorize the FCC to charge my MasterCard or VISA for the service(s) / authorization(s) herein described.		
<b>AUTHORIZED SIGNATURE</b>		<b>DATE</b>